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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,166	10/16/2006	Udo Hertel	ZTP03P01962	4750
24131	7590	05/19/2009	EXAMINER	
LERNER GREENBERG STEMER LLP			KAPLAN, HAL IRA	
P O BOX 2480			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/584,166	HERTEL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hal I. Kaplan	2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 June 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 6-10 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 6-10 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 22 June 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/22/06, 10/16/06</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. The drawings were received on June 22, 2006. These drawings are accepted.

### ***Claim Objections***

3. Claims 7 and 10 are objected to because of the following informalities: Claim 7, line 3, "conductor, said power supply" should be "conductor, and said power supply". Claim 10, lines 1-2, "which comprises one winding" should be "which comprises windings". Claim 10, lines 2-3, "in a conductor sections" should be "in conductor sections". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
7. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the US patent of Sacca et al. (6,741,162).

As to claim 6, Sacca discloses a circuit configuration for transmitting data signals to and from household appliances (computers), comprising: first and second transceiver devices (200) connected to transmit the data signals via an AC power supply line system (225) within a transmission frequency range lying above a frequency of the AC power supply (225); each transceiver device (200) including a power supply unit (210) having an input circuit connected to the AC power supply line system (225) via a power supply low-pass filter (230) (see column 4, lines 5-33; column 7, lines 53-59; and Figure 2).

Sacca does not specify the impedance of the low-pass filter or the impedance of the AC power line system, but it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have made the impedance of the filter at least twice

as high as the impedance of the AC power line system in the transmission frequency range, because selections of operational levels for an electronic device are engineering decisions based upon the system's intended use and the expected requirements of the other systems with which it will interface. See MPEP §2144.04(IV)(A). In *Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984), the Federal Circuit held that, where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device.

As to claim 10, the circuit configuration of Sacca comprises windings of a current-compensated choke (240) respectively inserted in conductor sections (H,N) of the power supply low pass filter (230) connected to the respective line conductor (H) and a ground conductor (N) of the AC power line system (225) (see column 2, lines 31-38; column 4, lines 20-26; and Figure 2).

8. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacca in view of the US patent of Kline (6,933,835).

As to claim 7, Sacca discloses all of the claimed features set forth above, and the AC power supply line system (225) includes at least one current-carrying line conductor (H) and a ground conductor (N), and the power supply low-pass filter (230) is formed of a capacitor configuration (235,255,260) connected between the line

conductor (H) and the ground conductor (N) (see column 4, lines 20-26 and Figure 2). Sacca does not disclose the claimed inductive component.

Kline discloses a circuit configuration for transmitting data signals over a power line, comprising an inductive component (705) connected in a line conductor (120) (see column 10, lines 13-27 and Figure 7). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified Sacca by connecting an inductive component in the line conductor and to the capacitor configuration, in order to efficiently filter power signals from the received data.

As to claim 8, the capacitor configuration (235,255,260) of Sacca consists of a single capacitor (235) connecting the line conductor (H) to the ground conductor (N) and a series circuit of two capacitors (255,260) connected in parallel to the single capacitor (235), with a common node of the two capacitors (255,260) connected to the ground connection (265) of the power supply unit (210) (see column 4, lines 20-26 and Figure 2).

The single capacitor (235) is not connected directly to the two capacitors (255,260) (choke 240 is connected between them); however, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have connected the single capacitor directly to the two capacitors, with the choke connected between the line and ground conductors in a different location, because it has been held that rearrangement of parts is obvious when the rearrangement would not modify the function of a device. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950). See MPEP §2144.04(VI)(C). Here, switching the locations of the choke and either the single

capacitor or two capacitors would not modify the function of the circuit because high frequency noise generated by the power supply would still be filtered out.

As to claim 9, the circuit configuration of Sacca comprises one ohmic resistor (275) connected in parallel with the capacitor configuration (235,255,260) (see column 4, lines 44-47 and Figure 2).

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The US patent of Cern (6,897,764) discloses a circuit configuration for coupling a data signal to an AC power line, which was cited by the Applicants before issuance of the patent.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal I. Kaplan whose telephone number is 571-272-8587. The examiner can normally be reached on M-F 9:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rexford Barnie can be reached on 571-272-7492. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

hik

/Albert W Paladini/  
Primary Examiner, Art Unit 2836

5/15/09